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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,569	11/25/2003	Timothy J. Peter	013002-9051-00	5790
23409	7590	01/04/2005	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP			TORRES, ALICIA M	
100 E WISCONSIN AVENUE			ART UNIT	PAPER NUMBER
MILWAUKEE, WI 53202			3671	

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/721,569	PETER ET AL.	
	Examiner Alicia M Torres	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 12 October 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 1-12 is/are allowed.

6) Claim(s) 13,14,18 and 19 is/are rejected.

7) Claim(s) 15-17 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other:

Claim Objections

1. Claim 1 is objected to because of the following informalities: line 17, "collecting when" should be changed to —collecting apparatus when—. Appropriate correction is required.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nuss in view of Van Ranst.

Nuss discloses a cart (1) adapted to be removably mounted to a lawnmower (4) and collect vegetation clippings from a lawnmower (4), and also adapted for use as a utility cart for lawn and garden applications, the cart (1) comprising:

A body (7, 8) defined by a plurality of substantially rigid walls, the walls at least partially defining a collection space;

A collecting opening (not shown) through which vegetation clippings flow from the lawnmower (4) into the collection space when the cart (1) is mounted to the lawnmower (4);

At least one wheel (12) rotatable with respect to the rest of the cart (1), the wheel (12) being in a stowed position in which it supports substantially no weight of the cart (1) when the cart (1) is mounted to the lawnmower (4);

Wherein the at least one wheel (12) at least partially supports the cart (1) upon the detachment of the cart (1) from the lawnmower (4) to facilitate hauling away clippings in the cart (1), as per claim 13; and

Further comprising first and second mounting pins (2) above the collecting opening, the mounting pins (2) being adapted to be received within the slots (10) on the lawnmower (4) such that the cart (1) hangs down from the pins (2) with the collecting opening aligned with a discharge opening of the lawnmower (4), as per claim 19.

However, Nuss fails to disclose a handle movable between a stowed position and a deployed position, the handle including a locking portion operable to inhibit pivotal movement of the handle from the stowed position when the handle is in the stowed position, and from the deployed position when the handle is in the deployed position.

Van Ranst discloses a cart including a handle (30) movable between a stowed position and a deployed position, the handle (30) including a locking portion (36) operable to inhibit pivotal movement of the handle (30) from the stowed position when the handle (30) is in the stowed position, and from the deployed position when the handle (30) is in the deployed position.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the locking handle of Van Ranst on the cart of Nuss in order to tilt the cart through the handle.

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4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nuss and Van Ranst as applied to claim 13 above, and further in view of Takahashi.

The device is disclosed as applied above. However, Nuss and Van Ranst fail to disclose an open top and a removable screen over said open top to resist the escape of clippings from said collection space, said screen being removable from the rest of said cart without the use of tools to facilitate dumping the clippings out of said collection space, as per claim 14.

Takahashi discloses wherein said collecting apparatus (C) has an open top (see column 4, lines 48-51) and a removable screen over said open top to resist the escape of clippings from said collection space, said screen being removable from the rest of said cart without the use of tools to facilitate dumping the clippings out of said collection space.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the top of Takahashi on the device of Nuss and Van Ranst in order to contain the grass clippings.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nuss and Van Ranst as applied to claim 13 above, and further in view of Kelley.

The device is disclosed as applied above. However, the combination fails to disclose wherein the body includes a substantially rigid bottom wall having a plurality of edges and a plurality of substantially rigid walls extending up from respective ones of the edges except for one open edge of the bottom wall, and wherein the collecting opening is defined between two of the walls and above the open edge.

Kelley discloses a similar receptacle wherein said body (9) includes a substantially rigid bottom wall (unnumbered) having a plurality of edges and a plurality of substantially rigid walls (unnumbered, see figure 4) extending up from respective ones of said edges except for one open edge of said bottom wall, and wherein said collecting opening is defined between two of said walls and above said open edge, as per claim 18.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the rigid walls of Kelley on the device of Sullivan in order to give the basket proper form.

Response to Arguments

6. Applicant's arguments with respect to claims 13, 14, 18 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

7. Claims 15-17 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 1-12 are allowed.

Conclusion

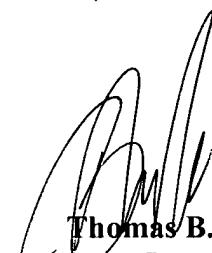
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.



Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671